

City of Northampton
MASSACHUSETTS

In City Council, January 7, 2021

Upon the recommendation of the Charter Review Committee

20.185 An Order Amending the Charter to Make Clarifications and Correct Deficiencies in the Prior Language

Ordered, that

WHEREAS, In accordance with Section 10-6 of the City Charter and Chapter 9 of the Code of Ordinances, in January 2019, the City appointed a Charter Review Committee; and

WHEREAS, On December 12, 2019, the Charter Review Committee filed its Final Report with the City Clerk; and

WHEREAS, the Charter Review Committee made recommendations for certain changes to the City Charter; and

WHEREAS, The City Council wishes to authorize the Mayor to seek special legislation to effectuate the recommended changes.

NOW, THEREFORE, BE IT ORDERED

Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the mayor approves amendments to the bill before enactment by the General Court. The mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AMENDING THE SPECIAL ACT CHARTER OF THE CITY OF NORTHAMPTON.

Whereas, The deferred operation of this act would tend to defeat its purposes, which is to improve the governance of the city of Northampton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, as follows:

Chapter 277 of the Acts of 2012, shall be amended as follows:

SECTION 1. Amend section 2-2 (b) by deleting in the first sentence the words “in consultation with the mayor and the city clerk”.

SECTION 2. Amend section 2-6 (c) (1) by deleting the word “ordinance” and insert in its place the word “order”.

SECTION 3. Amend section 3-6 by deleting in the first sentence the word “, resolution”; by deleting in the first sentence the word “memorial” and inserting in its place the words “non-binding”; by deleting in the first sentence the word “selection” and inserting in its place the word “confirmation”, by deleting in the fourth sentence the word “resolution”.

SECTION 4. Amend section 3-7 by inserting in the title after the words “TEMPORARY ABSENCE” the words “OR INCAPACITATION”, amend subsection (a) by deleting the subsection in its entirety and inserting in its place the following: “The mayor shall, by a letter filed with the city council and a copy filed with the city clerk, delegate authority pursuant to Section 3-8 to a qualified city officer or employee to exercise the powers and perform the duties of the office during the temporary absence of the mayor for periods of 10 business days or less and to serve only when the needs of the city require and only to the extent necessary under the then circumstances. If the temporary absence of the mayor exceeds 10 business days, the president of the city council shall be the acting mayor. If at any time the city council determines that the mayor is incapacitated and unable to perform the duties of the office, it may appoint its president to serve as acting mayor by the affirmative vote of 7 members. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.”

SECTION 5. Amend section 3-9 by deleting in its entirety and inserting in its place the following: “a) If a vacancy in the office of mayor occurs, the city council president shall serve as mayor until a mayor is elected and qualified under this section. In the event that the city council president is unable to serve as mayor under this subsection, the city council shall elect, from among its membership, a person to serve as mayor. The city council president or other councilor elected by the city council hereunder shall take office immediately upon such vacancy. b) Upon a vacancy in the office of mayor, the city council shall, under section 2-6 (c)(ii), call a special meeting of the city council, and the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to fill that vacancy until the next regular city election. The person elected at a special city election shall be sworn to office immediately. c) Upon the adoption of an order for a special election under subsection b, the city clerk shall set the special election calendar as follows: nomination papers shall be made available within 7 days of the vacancy; nomination papers shall be filed with the board of registrars of voters within 28 days of the vacancy; the board of registrars shall certify such nomination papers within 30 days of the vacancy and the candidate shall file such certified nomination papers with the city clerk within 35 days of the vacancy; a preliminary election shall be held within 65 days of the vacancy, if required; a special election shall be held within 90 days of the vacancy. d) Notwithstanding the provisions of subsection b), no special election shall be ordered if the vacancy occurs in month sixteen, seventeen, eighteen, forty, forty-one, or forty-two of the term for which the mayor was elected. In such case, the city council president or other councilor elected by the city council shall serve as mayor until the next regular city election. The person elected at such regular city election shall be sworn to office immediately and shall serve a four-year term in accordance with section 3-1 (b). e) Notwithstanding the provisions of subsection b), no special election shall be ordered if the vacancy occurs in month forty-seven or forty-eight of the term for which the mayor was elected and the mayor will not be serving

another term. In such case, the mayor-elect shall be sworn to office immediately and shall serve the remainder of the mayoral term and the four-year term for which such person was elected. f) Any person serving as mayor under this section shall receive the compensation then in effect for the office of mayor."

SECTION 6. Amend section 4-6, by deleting in the second sentence the word "choose" and inserting in its place the words "appoint, by majority vote of those present,"; by deleting in the third sentence the word "elected" and insert its place the word "appointed"; by deleting the final sentence in its entirety.

SECTION 7. Delete section 5-1 in its entirety.

SECTION 8. Amend section 5-2 by renumbering the section to 5-1 and by deleting the second sentence in its entirety and inserting in its place the following: "Whenever a vacancy occurs on the board of trustees under the will of Charles E. Forbes, the president of the board shall declare a vacancy and, within 30 days following the date of the vacancy, call a meeting of the trustees to fill the vacancy. The board of trustees shall choose a person to fill the vacancy from among the voters entitled to vote for the office. Persons appointed by the trustees to fill a vacancy shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled prior to the election shall be sworn to the office immediately and shall serve for the unexpired term of the seat to which such candidate was elected. If the seat to which the candidate was elected would have been on the ballot for the next regular city election notwithstanding the vacancy, such candidate shall be elected for a full four-year term. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist."

SECTION 9. Amend section 5-3 by renumbering the section to 5-2, by deleting the second sentence in its entirety and inserting in its place the following: "Whenever a vacancy occurs in the office of Elector under the Oliver Smith Will, the city council shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person appointed to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The person elected at such regular city election shall take office immediately. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date of the vacancy.", and by adding a final sentence as follows: "The process and procedure by which the City Council shall fill vacancies shall be established by ordinance."

SECTION 10. Amend section 5-4 by renumbering the section to 5-3, by deleting the title in its entirety and inserting in its place the words "TRUSTEES OF SMITH VOCATIONAL AND AGRICULTURAL HIGH SCHOOL", and by deleting the words "city clerk" and inserting in their place the words "school committee".

SECTION 11. Amend section 5-5 by renumbering the section to 5-4, by deleting the second sentence in its entirety and inserting in its place the following: "Whenever a vacancy occurs on the Community Preservation Committee, the city council shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person appointed to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The person elected at such regular city election shall take office immediately. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date of the vacancy.", and by adding a final sentence

as follows: "The process and procedure by which the City Council shall fill vacancies shall be established by ordinance."

SECTION 11. Amend section 7-2 by deleting the words ", including the superintendent of schools", and"; by inserting in their place the words "and trustees of the Smith Vocational and Agricultural High School and the superintendents of both districts".

SECTION 12. Amend section 7-6 by inserting in the third sentence after the words "The award of a" the words "three-year".

SECTION 13. Amend section 8-1 by deleting the words "superintendents of Smith's Agricultural School" and inserting in their place the words "trustees of Smith Vocational and Agricultural High School".

SECTION 14. Amend section 8-2 (a) by deleting the words "superintendents of Smith's Agricultural School" and inserting in their place the words "trustees of Smith Vocational and Agricultural High School".

SECTION 15. Amend article 8 by renumbering section 8-7 to 8-8, and by adding prior thereto a new section 8-7 as follows: "No candidate shall have the words "candidate for re-election" printed next to that person's name on the election ballot".

SECTION 16. Amend section 10-7 (a) by deleting the word "chairman" and inserting in its place the word "chair".